

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0104 – Lenox Oaks

P.C. DATE:

December 8, 2015

January 12, 2016

January 26, 2016

ADDRESS: Tracts 1&2: 444-456 Bastrop Hwy Southbound
Tract 3: 500 Bastrop Hwy Southbound
Tract 4: 434 Bastrop Hwy Southbound
Tract 5: 6705-6709 Ponca Street

DISTRICT AREA: 3

OWNER/APPLICANT: Tracts 1&2: 422 Bastrop Hwy, Ltd./Jimmy Nassour
Tract 3: 500 Bastrop Hwy, Ltd./Jimmy Nassour
Tract 4&5: Chase Equities, Inc./Jimmy Nassour

AGENT: Smith, Robertson, Elliott & Douglas, LLP/David Hartman

ZONING FROM: CS-NP, SF-3-NP, GO-NP, SF-2-NP
acres

TO: CS-MU-NP **AREA:** 23.091

SUMMARY STAFF RECOMMENDATION:

Recommend CS-CO-NP, CS-MU-CO-NP, LR-MU-CO-NP, GO-MU-CO-NP, MF-2-CO-NP

The property is located along the South bound frontage of Bastrop Highway/US Highway 183 within the Montopolis Neighborhood Planning Area. It extends southwestward into the neighborhood and is bounded on the northwest by Civitan Park, Allison Elementary and single family residences, the Burdett Prairie Cemetery and Montopolis Practice Fields to the southwest, City of Austin Watershed Protection lands to the south and southeast, and vacant commercially zoned property to the east. A portion of the property is included in the Airport Overlay (AO-3) which prohibits residential use.

The applicant is proposing to develop the tract with a mixture of retail fast-food restaurants and approximately 356 multi-family residential units. The residential units will be a mixture of 1 (258), 2 (88) & 3 (10) bedroom units. The staff recommendation is intended to allow a transition of intensity from Bastrop Highway/US Highway 183 into the neighborhood. Residential use will be prohibited within the AO-3 portion of the property along Bastrop Highway/US Highway 183.

To address Austin Transportation Department (ATD) connectivity comments, the applicant is offering to provide a 12 foot bike/pedestrian access path to connect future improvements planned for Hwy 183 to city owned watershed protection property which includes the Montopolis Tributary Trail Network adopted as part of the Urban Trail Plan. In addition, ATD is recommending right-of-way dedication for the extension of Ponca Street through the property roughly west to east.

The following uses will be prohibited and included in a conditional overlay along with other provisions below:

Adult-oriented businesses
Agricultural sales and services
Bail bonds
Building maintenance services
Campground
Construction sales and services
Drop-off Recycling Facility
Kennels
Laundry services
Pawn shop services
Residential treatment
Scrap/Salvage
Vehicle Storage

-Dedication of a 12' pedestrian/bicycle trail along the southern boundary to connect to the proposed future bikeway along HWY 183 to the east with the adjacent property owned by the City of Austin to enable connection with the proposed Montopolis Tributary trail to the south.

-Dedication of right-of-way for the extension of Ponca Street.

-Vegetative buffer along the north boundary adjacent to existing single family residences on Valdez Street.

-75' vegetative buffer along the south property line adjacent to the cemetery.

PLANNING COMMISSION RECOMMENDATION:

DECEMBER 8, 2015 – POSTPONED TO JANUARY 12, 2016 AT THE REQUEST OF THE MONTOPOLIS NEIGHBORHOOD ASSOCIATION.

JANUARY 12, 2016 – POSTPONED TO JANUARY 26, 2016 BY STAFF FOR TRANSPORTATION ISSUES.

JANUARY 26, 2016 – MOTION TO APPROVE STAFF RECOMMENDATION WITH ADDITIONAL CONDITIONS TO ZONE AREA SOUTH OF PONCA STREET EXTENSION TO MOBILE HOME RESIDENTIAL (MH) AND ENCOURAGE APPLICANT TO PROVIDE RELOCATION ASSISTANCE [F. Kazi, J. Vela 2nd] FAILED 3-5-1 F. KAZI, J. VELA, M. WILSON –FOR, S. OLIVER, N. ZARAGOZA, J. SHIEH, J. THOMPSON, A. DE HOYOS – AGAINST, T. NUCKOLS – ABSTAIN.

MOTION TO APPROVE STAFF RECOMMENDATION WITH ADDITIONAL CONDITIONS TO REQUIRE RELOCATION ASSISTANCE AND PERMANENT AFFORDABLE UNITS [J. SHIEH, J. VELA 2ND] FAILED 6-2-1 S. OLIVER, F. KAZI, J. VELA, J. SHIEH, M. WILSON, J. THOMPSON-FOR, N. ZARAGOSA, A. DE HOYOS – AGAINST, T. NUCKOLS – ABSTAIN.

THIS CASE IS FORWARDED TO COUNCIL WITH NO RECOMMENDATION DUE TO A LACK OF AN AFFIRMATIVE VOTE.

CITY COUNCIL ACTION:

MARCH 24, 2016 – POSTPONED TO APRIL 14, 2016 AT THE REQUEST OF CM RENTERIA.

APRIL 14, 2016 – POSTPONED TO MAY 12, 2016 AT THE REQUEST OF STAFF

MAY 12, 2016 – POSTPONED TO JUNE 16, 2016 AT THE REQUEST OF CM RENTERIA

JUNE 16, 2016. - POSTPONED TO AUGUST 11, 2016 AT THE REQUEST OF THE CACTUS ROSE TRAILER PARK NEIGHBORHOOD ASSOCIATION.
 AUGUST 11, 2016 – POSTPONED TO SEPTEMBER 22, 2016 BY CM RENTERIA.

DEPARTMENT COMMENTS: Staff recommends an alternative to the requested zoning category. Instead of a blanket CS-MU-NP, staff prefers the current step-back approach from Bastrop Highway into the Montopolis Neighborhood with the addition of mixed-use and an increase in density from SF-2-to MF-2. The Airport Overlay (AO-3) prohibits residential use for much of the property fronting US Highway 183. The portion remaining CS-NP is within the Airport Overlay.

ISSUES:

This request requires a Neighborhood Plan Amendment (2015-0005.04). During the Neighborhood Plan Amendment public meeting residents of the existing mobile home community (Cactus Rose Mobile Home Park), who will be displaced with the redevelopment of these tracts, expressed concerns about their options for relocating, costs to move their homes, ability for their homes to withstand the move and their general treatment by the Cactus Rose operator. In response to these concerns, the applicant has proposed providing financial assistance for relocation to the residents.

Residents of the Montopolis neighborhood have concerns regarding new development taking access to Ponca street. City of Austin Transportation staff has requested that right-of-way be dedicated for the extension of Ponca street as well as a trail connection to the future bike lanes proposed in the TXDOT HWY 183 expansion. There are also discussions with AISD regarding traffic flow around Allison Elementary School. Currently, Ponca Street is one-way in front of the school (westbound).

During the Planning Commission hearing, Commissioners voiced concerns about the relocation proposal not being completed. There was considerable discussion and a motion to designate the area south of the proposed Ponca extension to MH providing a location for the Cactus Rose mobile homes. However that did not pass. There were also general concerns about ensuring long-term affordability in the project.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-NP, SF-3-NP, GO-NP, SF-2-NP	Single family and mobile home
<i>North</i>	SF-3-NP	Vacant and parkland (Civitan Park)
<i>East</i>	CS, LI	Across HWY 183 - Retail (Callahan's), Gas Station and Undeveloped
<i>South</i>	CS-NP, SF-2-NP	Undeveloped and the Burdett Prairie Cemetary
<i>West</i>	SF-3-NP, SF-2	Single family and elementary school (Allison Elem)

NEIGHBORHOOD PLANNING AREA: Montopolis

TIA or NTA: TIA

WATERSHED: Suburban, Colorado River & Carson Creek Watersheds.

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Montopolis Neighborhood Association
Montopolis Contact Team
Del Valle Community Coalition
East Austin Conservancy
El Concilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
Bike Austin
Austin Heritage Tree Foundation
Montopolis Community Alliance
Austin Neighborhood Council
Imperial Valley Neighborhood Association
Preservation Austin
Sierra Club
Real Estate Council of Austin
Vargas Neighborhood Association
Montopolis Tributary Trail Association
Montopolis Area Neighborhood Alliance
Vasquez Fields Neighborhood Association
Montopolis-Ponca Neighborhood Association
Carson Ridge Neighborhood Association
Southeast Austin Neighborhood Alliance
Friends of the Emma Barrientos MACC
Riverside Farms Road Neighborhood Association

SCHOOLS: Eastside Memorial HS, Martin MS, Allison Elementary and Del Valle HS, Ojeda MS, Smith Elementary. This property is bisected by Austin ISD and Del Valle ISD. Austin ISD allows outside district transfers.

CASE HISTORIES FOR THIS PROPERTY

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0060	Montopolis Neighborhood Plan SF-3, CS, SF-2 to CS-NP; SF-2, SF-3 to CS-NP; SF-2, SF-3 to GO-NP, SF-2 to SF-2-NP	SF-3-NP, CS-NP, GO-NP, SF-2-NP	SF-3-NP, CS-NP, GO-NP, SF-2-NP

CASE HISTORIES FOR SURROUNDING PROPERTIES

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2010-0138 526 & 626 Bastrop Hwy (McElhenney Tract)	CS-NP, GR-CO-NP & SF-2-NP to CS-NP	CS-NP	CS-NP

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Bastrop HWY/HWY 183	325'-400'	62'	Major Arterial
Ponca Street	37'-40'	18'	Local

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Andrew Moore

PHONE: 512-974-7604

EMAIL: andrew.moore@austintexas.gov

STAFF RECOMMENDATION

CS-CO-NP, CS-MU-CO-NP, LR-MU-CO-NP, GO-MU-CO-NP, MF-2-CO-NP

Conditional Overlay to include the following prohibited uses:

- Adult-Oriented Business
- Automotive – Washing/Sales/Services
- Bail Bonds
- Construction Sales/Services
- Drop-off Recycle Facility
- Equipment Repair Services
- Exterminating Services
- Maintenance and Services Facility
- Outdoor Entertainment
- Pawn Shops
- Pet Services
- Plant Nursery (conditional)
- Scrap/Salvage
- Service Station Repairs
- Vehicle Storage

-Dedication of a 12' pedestrian/bicycle trail along the southern boundary to connect to the proposed future bikeway along HWY 183 to the east with the

adjacent property owned by the City of Austin to enable connection with the proposed Montopolis Tributary trail to the south.

-Dedication of right-of-way for the extension of Ponca Street.

-Vegetative buffer along the north boundary adjacent to existing single family residences on Valdez Street.

-75' vegetative buffer along the south property line adjacent to the cemetery.

BASIS FOR RECOMMENDATION

Staff supports the addition of mixed use to the existing commercial districts because of the tracts' location along US Highway 183 and adjacent civic uses (parkland and elementary school) and a step down of intensity into the neighborhood. The proposed low density multi-family (MF-2) is suitable adjacent to single family residences.

EXISTING CONDITIONS

Site Characteristics

The 23 acre site consists of five tracts. Currently these tracts consist of a Mobile home/RV park, seven single family homes and two duplexes for a total of 50 units. Approximately half of the property is undeveloped. An Austin Energy easement containing transmission lines runs diagonally through the back half.

Montopolis Neighborhood Plan

Please see associated Neighborhood Plan Amendment Case (NPA-2015-0005.03).

NPZ Environmental Review - Mike McDougal 512-974-6380

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson Creek Watershed, which is classified as a Suburban Watershed and the site is in the Colorado River Watershed, which is classified as an Urban Watershed. The site is in the Desired Development Zone.

2. In the suburban watershed portion of the property, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Zoning district impervious cover limits apply in the urban watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

7. In the suburban watershed portion of the property, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site. In the urban watershed portion of the property, the site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded and on site control for the two-year storm.

DSD Transportation Review – Amanda Couch – 512-974-2881

- TR1. If the requested zoning is recommended for this site, 25 feet of right-of-way should be dedicated from the centerline of Ponca St. in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.
- TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan for SH 183.
- TR3. A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.
- TR4. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on SH 183 or Ponca St.
- TR6. Complete Streets review (Ord. # 2014-0612-119). The following recommendations are made as a condition on zoning:
 - a. Ponca St be extended and stubbed out to the opposing eastern property line. This will support future connectivity to the east.

b. Provide a north/ south pedestrian and bike access easement to connect the proposed 183 Tollway Trail to the north and the Montopolis Tributary Trail Network to the south.

TR7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
State Highway 183	325' – 400'	126'	Freeway	Yes	Yes; Route # 417; wide shoulder	Yes
Ponca St.	37' – 40'	18' (stub-out dirt road)	Local	No	No	Yes

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

NPZ Site Plan Review - Rosemary Avila 512-974-2784

SP1. Site plans will be required for any new development other than single-family or duplex residential.

- SP2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP4. The site is subject to compatibility standards. Along the west and south property lines, the following standards apply:
- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

- SP5. This property is within both the Controlled Compatible Land Use Area and the Airport Overlay Zone, AO-3, defined by Chapter 241 of the Local Government Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.